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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,635	11/08/2001	Sam S. Vacek	VAC-1001-US	1869

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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,635

Applicant(s)

VACEK, SAM S.

Examiner

Christy M. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 7-20 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 7-20 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the sixth office action for serial number 10/006635, entitled System and Method for Inhibiting Moisture and Mold in an outer Wall of a Structure, filed on November 8, 2001.

Response to Amendment

In response to the examiner's office action mailed 10/20/04, the applicant has cancelled claims 1, 2, 6, 21 and 22, amended the specification, drawings and claims 5, 8, 17, 20, 26 and 27.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Forcier, US Patent #1,443,986.

Forcier discloses the claimed invention a method for inhibiting moisture accumulation in an outer wall of a structure comprising the steps of providing an outer wall (at 14), providing an air circulation system (28, 53, 48) within the structure (figure 1); determining relative humidity of the air inside the structure (by 51 and 7); controlling supply of the air (by 60); and controlling the air circulation system (at 61).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-8, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldsmith, US patent # 5,988,264 in view of Forcier, US patent # 1,443,986.

Goldsmith discloses the claimed invention including an internal wall (38) section and an external wall section (31), the internal wall section and the external wall section defining an air flow passage therebetween (26), the air passage channeling a conditioned air flow (by 8) in-between and substantially parallel to the internal wall section and external wall section (by column 10, lines 43-45), and an air circulation system within the structure providing the conditioned air flow, wherein the system creates a positive air pressure in at least a portion of the structure (column 6, lines 30-33), wherein the air circulation system comprises at least one of a cooling element (8), a heating element (46) and a humidifier (at 11 – column 6, lines 35-36); at least one outer wall includes a plurality of outer walls (figure 1) and a roof (5) forming an enclosed structure (1); the external wall section comprises an insulating layer (27).

Goldsmith does not disclose an internal wall is un-insulated, and an external wall is insulated. Forcier teaches that it is known in the art to provide an un-insulated internal wall (14- or studding), and an insulated external wall (14 – insulated by 30 and 32). It would have been obvious to one having ordinary skill in the art to provide the wall structures as taught by Forcier with the walls of Goldsmith in order to create an

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insulated exterior finish such as stucco to provide a desired finished look (page 2, column 2, lines 116-124).

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldsmith in view of Forcier and further in view of Ojala, US Patent # 5,953,883.

Goldsmith in view of Forcier discloses the claimed invention as stated above in claim 5, except for a weather resistant layer outside of the insulating layer, a sheath inside the insulating layer, the internal wall section includes a liquid barrier, a wall framing system, a first sheathing between the liquid barrier and wall framing system, and a second sheathing inside of the wall framing system.

Ojala teaches that it is known in the art to provide an external wall section (88) including an insulating layer (94) and a weather-resistant layer outside of the insulating layer (88); a sheath (70) inside the insulating layer (88), the internal section (60) including a liquid barrier (92), and a wall framing system (60), a first sheathing between the liquid barrier and the wall framing system and a second sheathing inside of the wall framing system are well known in the art (figures 3, 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the wall system as taught by Ojala with the wall structure of Goldsmith in view of Forcier in order to protect heat, cold and moisture as well as give structural support, these features would be obvious in the structure of Goldsmith in view of Forcier in order to also protect from heat cold and moisture and to give the walls of the rooms more support.

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Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldsmith in view of Forcier and Ojala, and further in view of Tedman et al., US Patent # 6,484,417.

Goldsmith in view of Forcier and Ojala discloses the claimed invention as stated above except for a moisture sensor in the air flow passage with a controller, a circuit and a processor. Tedman teaches that it is known in the art to provide a moisture sensor in the passage with a controller (Abstract). Interfacing circuits and a processor are well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system as taught by Tedman with the system of Goldsmith in view of Forcier and Ojala in order to control the humidity in the airflow passage and expedite drying.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldsmith in view of Forcier and further in view of Tedman et al., US Patent # 6,484,417.

Goldsmith in view of Forcier discloses the claimed invention as stated above, except for at least one humidity sensor, a circuit and processor. Tedman teaches that it is known in the art to provide a moisture sensor in the passage with a controller (Abstract). Interfacing circuits and a processor are well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system as taught by Tedman with the system of Goldsmith in view of Forcier and Ojala in order to control the humidity in the airflow passage and expedite drying.

Response to Arguments

Applicant's arguments filed 1/24/05 have been fully considered but they are not persuasive.

Regarding the applicants arguments that the Forcier reference does not disclose teach or suggest providing conditioning system for heating, cooling and humidifying as amended within the independent claims, the examiner recognizes the argument, however a new rejection has been done regarding the new limitations which were added to the amended claims. The Forcier reference is used only in a teaching of the wall structures provided.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M. Green whose telephone number is 571-272-6844. The examiner can normally be reached on M,T,TH 10:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cg

June 30, 2005


Naoko Slack
Primary Examiner